IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 15381 of 2007(F)

PETITIONER:

C.RAMACHANDRAN,
LAST GRADE SERVANT (PEON), KRISHNAPURAM GRAMA PANCHAYATH, RESIDING IN SUSHEENDRA BHAVANAM, KANDALLOOR NORTH, PATTOLI MARKET P.O., KAYAMKULAM.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT IN THE DEPARTMENT OF LOCAL SELF GOVERNMENT INSTITUTION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **DIRECTOR OF PANCHAYATH,**
   THIRUVANANTHAPURAM.

3. **THE DEPUTY DIRECTOR OF PANCHAYATHS,**
   ALAPPUZHA.

4. **THE SECRETARY, SPECIAL GRADE,**
   KRISHNAPURAM GRAMA PANCHAYATH, KRISHNAPURAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.15381 of 2007

Dated this the 25th day of May, 2007

J U D G M E N T

The petitioner is a last grade servant under the Panchayat department. He is due to retire from service on 31-5-2007 as he completes 55 years in the month of May, 2007. The petitioner was an ex-employee of General Reserve Engineering Force (GREF). He points out that in the case of ex-employees of Assam Rifles, BSF and CRPF etc., the Government have extended the benefit of continuance in service upto the age of 60 years. The petitioner's organisation is also an organisation similar to the afore-mentioned organisations. Therefore, the Government should have extended the benefit to the ex-GREF employees also, it is submitted. He submits, he has already filed Ext.P7 representation before the Government claiming this relief. Thereafter, this writ petition is filed seeking the following reliefs:

> i) Declare that the petitioner is entitled to continue in service till he attains the age of 60 years in view of benefits granted to similarly situated persons under Exhibits P2 to P5 orders of the Ist respondent.
>
> ii) Issue a writ in the nature of mandamus or

any other writ, direction or order directing the respondents 1 and 2 to issue appropriate orders allowing the petitioner to continue in service till he attains the age of 60 years.

Iii) Issue a writ in the nature of mandamus or any other writ, direction or order directing the Ist respondent to consider and pass orders on Exhibit P7 forthwith.

2. Prayer Nos.1 and 2 cannot be granted as there is no Government Order extending the benefit of continuance upto the age of 60 years to the GREF employees. Since the petitioner is retiring on 31-5-2007, no purpose will be served now by issuing a direction to the Government, to consider Ext.P7. Exts.P2 to P5 were operative only prospectively. There is no provision in those orders providing for reinstating the employees who have already retired from service. Therefore, even if the Government passes an order in favour of GREF employees, the same will be applicable only to ex-GREF employees continuing in service. So, a direction to the Government to consider Ext.P7 will result in waste of time and money to the Government and the petitioner. So, I think it is unnecessary to grant the third prayer also.

Accordingly, the Writ Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

MS